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July 8, 1994

Mr. William Caton
Acting Secretary
Federal Communication Commission
1919 M Street N.W.
Washington D.C. 20554

Dear Mr. Caton:

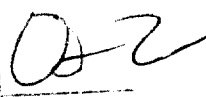
This is a supplement of the original petition for Rulemaking for
WUJ to allot FM Channel 275A (109.9 MHZ) for non-commercial use.

By error the mailing address was omitted on page 5. This has now
been corrected with the supplement.

Respectfully submitted,


Leo Morone

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the matter of)
)
Amendment of Section 73.202(b))
Table of Allotments) MM Docket No. _____
FM Broadcast Stations) RM _____
Charlotte Amalie,)
St. Thomas, VI)

To: The Commission

PETITION FOR RULEMAKING

Virgin Islands Youth Development Radio, Inc., licensee of FM Broadcast station WIUJ, Charlotte Amalie, St. Thomas, Virgin Islands (hereinafter referred to collectively as "WIUJ"), pursuant to Section 1.401 of the Commission's Rules, respectfully requests the Commission to institute a rulemaking proceeding to allot FM Channel 275A (102.9 MHz.) to Charlotte Amalie and reserve it for noncommercial use. This Petitioner, WIUJ, further requests that its license be modified to specify operation on Channel 275A in accordance with this petition:

<u>City</u>	<u>Present</u>	<u>Channel Numbers</u> <u>Proposed</u>
Charlotte Amalie	241B1, 246B, 250B, 271B, 282B, 287B	241B1, 246B, 250B, 271B, 275A, 282B, 287B

WIUJ submits that the circumstances affecting its existing operation at Charlotte Amalie clearly justify allotment of Channel 275A to this community as a non-commercial frequency, and that this assignment would clearly serve the public interest.

WIUJ initiated this proceeding following discussions with staff at the Commission's FM Branch and with the advice and consultation of its engineering consultant. This petitioner believes its migration to a Class A FM facility reserved for non-commercial use constitutes the best opportunity for it to retain service to its community of license, assure its assignment a level of permanence not presently available, and preserve existing permitted facilities in accordance with Commission rules. As justification of this position, WIUJ offers the following:

1. WIUJ is presently licensed to operate on Channel 205D (88.9 MHz.) In 1977, when WIUJ was granted its initial permit for a Class D station, such stations were authorized only on the basis that the transmitter power output (TPO) not exceed 10 watts. Terrain factors were not considered. Therefore, since that time, WIUJ has been effectively licensed to operate with an antenna height above average terrain (HAAT) of approximately 436 meters. This HAAT, when coupled with WIUJ's actual licensed effective radiated power (ERP) of 0.008 kW, produces a 60dBu /1mV/m contour of approximately 11 kilometers, well in excess of the 5.5 km. maximum expected for a Class D station.
2. The licensed WIUJ Channel 205D operation stands in contravention of present TV-6 interference standards. If it were still operating on Channel 205D, WIUJ would cause interference to the licensed Channel 6 TV operation of WIPR-TV, San Juan, PR. In fact, in 1982, WIUJ's application BPED-820728AQ, which sought Class A facilities for the

station, was returned because of the likelihood of Channel 6 interference and the Commission's inquiry into these matters in Docket 20735.

3. In 1990 WIUJ began receiving interference from station WEUC, Ponce, PR, which also operates on Channel 205. Therefore, WIUJ requested Special Temporary Authorization (STA) to operate on Channel 275D. That request was denied; however, WIUJ's construction permit application BPED-910506MI for permanent operation on Channel 275D was granted on March 5, 1992.
4. WIUJ began operating on program test authority on Channel 275D and filed license application BLED-930301KG on March 1, 1993. That license application is currently pending before the Commission's FM Branch. Also pending is modification of construction permit application BMPED-930902IA to bring authorized WIUJ facilities into conformance with those actually built.
5. By operating on Channel 275D, the interference to WIPR-TV Channel 6, from the old Channel 205D has been eliminated. However, WIUJ cannot move back to the noncommercial educational band (Channels 201-220) to achieve Class A status without causing excessive interference to WIPR-TV in violation of Section 73.525 of the Commission's Rules. Moreover, the very high HAAT precludes reducing power to a level which would comply with the rule. During 1991 and 1992, WIUJ and its engineering consultant investigated the possibility of application for a Class A facility in the non-commercial band. However, no available site of sufficient size could be located on the island of St. Thomas.

which would both provide line-of-sight coverage of Charlotte Amalie and also comply with the interference limitations of Section 73.525. Furthermore, despite repeated contacts, WIUJ found the management of WIPR-TV reluctant to grant WIUJ the interference waivers allowed by the aforementioned section. Therefore, it becomes obvious that WIUJ can only achieve Class A status in the commercial portion of the FM band.

6. As a Class D licensee, WIUJ stands vulnerable to displacement from Channel 275D by commercial interests which may secure through future rulemakings the opportunity to utilize either Ch. 275D or its adjacent channels. Such displacement would negatively impact WIUJ, its youth development objectives, and the public WIUJ is licensed to serve.
7. Channels have been reserved for noncommercial use in the past to avoid interference to Channel 6 operations. Muncie IN and Eaton, OH, 59 FCC 2d 778 (1976); Broken Arrow and Bixby, OK, 3 FCC Rcd 6507 (1988), reconsideration denied 4 FCC Rcd 6981 (1989); Bronson, MI, 6 FCC Rcd 4226 (1991); West Lafayette, IN, 3 FCC Rcd 3625 (1988); and Lake City, MI, 7 FCC Rcd 6216 (1992). Consequently, WIUJ requests that Channel 275A be allocated and reserved for noncommercial use.¹ This allotment would be fully spaced to all other

¹ WIPR is spaced 33.8 km from a British Virgin Islands (Class B1) I.F. allotment on Channel 222. This spacing exceeds even the largest I.F. channel spacing requirement for a Class A station (32 km for Class A to C) in Section 73.207 of the Commission's Rules. Thus, the I.F. channel does not appear to be an impediment.

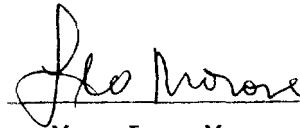
stations and allotments, as evidenced by FIGURE 1 of this Petition. Allotment of Channel 275A to Charlotte Amalie as a noncommercial channel and assignment of WIUJ to this channel will permanently preserve WIUJ's existing operation which already provides effective Class A service to its community and the island of St. Thomas.

8. Alternatively, Channel 297A could be allocated without causing interference.

9. Allotment reference coordinates would be:

N: 18° 21' 26", W 64° 56' 50".

Respectfully submitted,



Mr. Leo Morone
President
Virgin Islands Youth
Development Radio, Inc.

PO Box 2477

St. Thomas V.I.

00803

Dated

FIGURE 1
INDEPENDENT BROADCAST CONSULTANTS, INC.
TRUMANSBURG, NEW YORK
FM Spacing Study

Title: WIUJ
Channel: 275A {102.9 MHz.}
Database: DW 07/08/92

Latitude: 18-21-26
Longitude: 64-56-50
Date: 06-10-94

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req
City of License	St	FCC File no.	Freq	EAH-m	Longitude		{km}	{km}
WZOL	LIC	ASOCIACION PUERTORRIQUENA	221A	3.00	18-21-48	270.6	83.93	10
JUNCOS	PR		92.1	34	65-44-24		73.93	CLEAR
WDCM	CP	PARADISE BDCSTG CORP	222B	48.0	18-20-17	96.2	23.32	15
CRUZ BAY	VI		92.3	397	64-43-40		8.32	CLOSE
WMIO	LIC	MARIA I ORTIZ AVILES	272A	3.00	17-59-37	260.6	239.4	31
CABO ROJO	PR	BLH-880128KA	102.3	238	67-10-27		208.4	CLEAR
WIAC	LIC	BESTOV BCG INC OF PUERTO	273B	50.0	18-16-54	265.6	106.0	69
SAN JUAN	PR	BLH-900129KD	102.5	347	65-56-42		36.96	CLEAR
WIUJ	APP	V I YOUTH DEVELOP RADIO I*273D	.013		18-21-26	0.0	0.0	
CHARLOTTE AMALIE	VI	BMPE0930902IA	102.9	432	64-56-50			
Amended from .0062 kW, January 1994								
WIUJ	CP	V I YOUTH DEVELOP RADIO I*273D	.017		18-21-23	114.3	0.23	
CHARLOTTE AMALIE	VI	BPED-910506MI	102.9	451	64-56-43			
Change channel from *205D; CP Granted 03/05/92 per FCC release No. 21334 dated 03/13/92								
ALLOC			275B		18-09-48	263.7	189.3	178
ADJUNTAS	PR		102.9		66-43-24		11.32	CLOSE
Allocated to Camuy, PR								
WCHQ-FM LIC	HQ	103 INCORPORATED	275B	50.0	18-28-49	274.2	202.2	178
CAMUY	PR	BLH-810107AE	102.9	18	66-51-14		24.19	CLEAR
See ADJUNTAS P R; Affiliated with WCHQ{AM}								
WVJP-FM LIC	BORINQUEN	BDCSTG COMPANY	277B	28.0	18-16-41	264.9	96.24	65
CAGUAS	PR	BLH-890331KI	103.3	581	65-51-09		27.24	CLEAR
Affiliated with WVJP{AM}								

{End Channel 275A Study}